

TOWN OF CORNWALL

PLANNING BOARD

April 1, 2013

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
WILLIAM GRABE
LED KLOSKY
HELEN BUNT
WYNN GOLD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

JOHN SZAROWSKI
PLANNING BOARD CONSULTANT

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

ABSENT: KEN BRODMERKEL
MICHAEL LO BLANCO

MEETING AGENDA:

1. Cumberland Farms #2012-06

REGULAR MEETING:

MR. NOVESKY: It's 7:00, I'll call the meeting to order for the April 1, 2013 meeting of the Town of Cornwall Planning Board. Mr. Brodmerkel called in advance and is excused for the evening. We have not heard from Mike. I don't know what the story is, I understand that Mike said to Kenn that he would be here but I gather he's not.

OLD BUSINESS

LANDS OF COMITO

MR. NOVESKY: No correspondence. Discussion, on discussion old business we have two small items on the agenda for old business, one is a request from Lands of Comito for a six month extension of their preliminary approval. This is common kind of fate accompli situation, we do it every time so I just have to ask for a consent to extend, unless there are questions?

MR. KLOSKY: Only one suggestion that the applicant consider renaming the project. I move that we grant the extension.

MR. GOLD: Second it.

ROLL CALL

MS. BUNT	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Second request Dominic has asked, we had some discussion at the last meeting where we granted extension on the approval of Cornwall Commons for six months. And in a review of the minutes, we had reminded each other that the, in the prior meeting that it was in the minutes that we had approved it and in fact it was not found in the minutes. So I will ask for another vote so that we can formalize it.

MR. CORDISCO: The extension was granted but we just haven't been able to document it so at this point, we ask that the board take a moment to vote in favor of the six month extension. This is as relates to the subdivision approval, the bulk subdivision approval for the Cornwall Commons application. This is the one that I believe was granted several years ago, they have been maintaining on a regular basis since that time.

MR. GOLD: So moved.

MS. BUNT: Second it.

ROLL CALL

MS. BUNT	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. CORDISCO: Thank you very much and I apologize for the confusion.

CUMBERLAND FARMS #2012-06

MR. NOVESKY: We have a public hearing, Cumberland Farms, are you present? Please give a brief presentation and we have an overwhelming public, we acknowledge receipt of the mailing.

MR. OLSON: My name is Richard Olson from the firm of McCabe and Mack, regional counsel, Mr. Tim O'Brien, who's our professional engineer with Bohler Engineering Company and Mr. Don Vandervin is the regional manager for Cumberland Farms. This is a 1,200 square foot addition onto a 2,400 square foot store. There's going to be additional internal storage, some refrigeration capacity added, there will be construction of public restrooms within the facility. It's going to be upgraded to the new concept of Cumberland Farms which is the green and white rather than the existing orange and blue colors. We completed the redo of the facility as far as the parking lot area, we believe we have taken into consideration all the concerns raised by the board's consultants. Mr. O'Brien can show on the map.

MR. O'BRIEN: The big comment was eliminate the two parking spaces that were in conflict with the cars that would be parked at the canopy. We eliminated those two spaces, we're still in compliance. Basically, the other comments were just a couple notes that were added to the plans, one regarding the lighting and the testing of the force main and also the pump station that's on the site. So I believe we have addressed all the comments that we received at the last meeting and from the consultant's comments.

MR. NOVESKY: For the purpose of this meeting, this is a public hearing, we're looking for comments from the general public after which we'll have questions. Are there any members of the general public here wishing to make a comment? Give me your name.

MR. DENNING: My name is Christopher Denning, I live at 1629 Route 94 directly across the street from Cumberland Farms Gas Station. My concerns are the lighting and the noise that come from this business. My property's completely across the street and I absorb everything, especially for the neighborhood behind me. I'm just looking for a break. I see that the windows are being expanded, I think four windows now and there's going to be at least 10. There's been mention

of a shielding of the lights, I'd like to see that and maybe tinting the windows somehow to reduce the lights. Just like looking for a break over there. I've put up bushes, tried to shield what I can to make my life a little, you know, make it a little less impact on me. I'd appreciate if they can do something.

MR. NOVESKY: Compliments to you for coming out and speaking out.

MR. DENNING: Thank you.

MR. OLSON: We would note that on the plans we have included on the windows and this was in response to Mr. Denning's original comments, there's going to be a 3M non-glare coating on the window to reduce the interior glare and adding the shielding to the existing lights and the map note that we did work with the board to reduce any lighting concerns.

MR. NOVESKY: I understand this doesn't apply to Mr. Denning's property but in the back you're going to have hooded lights facing down?

MR. OLSON: The rear of the property is shielded also at the rear.

MR. O'BRIEN: That's correct.

MR. NOVESKY: Does that address your concern?

MR. DENNING: Yes, it does.

MR. NOVESKY: Other members of the general public wishing to comment? I'm speaking to empty chairs. Would you like to make a comment?

LUCAS DENNING: Yes. Is there going to be a slushy machine?

MR. VANDERVIN: Yes, there is. Thank you for asking.

MR. NOVESKY: Any other members of the public wishing to comment? Can I put your name on the record please? Could you give me your name?

LUCAS DENNING: Lucas Denning.

MR. NOVESKY: Thank you very much, Lucas, good job. Any other comments? Hearing none, I'll take a motion

to close the public hearing.

MR. GOLD: So moved.

MS. BUNT: Second it.

ROLL CALL

MS. BUNT	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Thank you very much for the public hearing but now we'll have a discussion. Leslie?

MS. DOTSON: I just had one little tweak on the plan, they did revise the parking layout but they forgot to update the parking schedule so the provided parking space count is actually 15 and not 17. And the total count in the front of the store is now nine and not 11, just a minor tweak. I believe that this is a Type II action so it doesn't require any further SEQRA consideration, that's based on its size. However, I do have to say that, you know, in accordance with the site plan review requirements of the code and if you had been looking at SEQRA I think that they have addressed and resolved the comments that the public had made so I appreciate that.

MR. O'BRIEN: Thank you.

MR. NOVESKY: Thank you, Leslie. John?

MR. SZAROWSKI: All the engineering comments were satisfied, addressed in an acceptable manner.

MR. CORDISCO: Nothing further at this time as Leslie confirmed the action is not subject to SEQRA because it's a Type II action so there's no negative declaration for the board to consider prior to approval. My office has been working on the draft approval resolution and subject to the board's comments or anything further that you'd like to go into the board would grant approval and authorize the chairman to sign the resolution once my office completed preparation.

MR. NOVESKY: Thank you, Dominic. Led?

MR. KLOSKY: I only note two on sheet two of the, what's the right pronunciation, Bohler, so sheet two of the Bohler there's a note number two sanitary pump station asks that the low pressure confirmation test on the force main be performed by the contractor. Mr. Vinson, I was wondering if you could mention the, the name of the firm which is now doing sewer inspections?

MR. VINSON: CAMO is now doing the sewer work for the town.

MR. KLOSKY: I'd like to see that they're notified not only is the contractor performing the tests but the tests are being witnessed by the town consulting engineer for sewer. I think that's in the interest of the applicant as well. Secondarily, this seems minor so you can blame it on the engineer I guess but I had a hard time on sheet CF2.0 and CF3.0 identifying who the preparing authority was. Everything else has either architect or engineer associated with the sheet so the sheet notes, who it was prepared by, this is apparently prepared by Cumberland Farms itself which I'm not sure who that is.

MR. O'BRIEN: Cumberland Farms has their own in-house architects.

MR. KLOSKY: There should be, you understand what I'm saying, seems like there's three or four different preparers of the plans while that's fine it needs to list the name of whoever's license is the behind that sheet. That's all I've got, very minor.

MR. GRABE: Just had a question, Mr. Denning was saying about the reflectors you're going to use on the lighting and what would happen if he does get additional light invasion?

MR. O'BRIEN: We do actually have a note on the plan that the board had asked us to add and one of the consultants had us add on the site plan there is a note on the corner one about the shields being added and two about the film being added to the windows.

MR. GRABE: What are the hours the lights are on?

MR. VANDERVIN: They're generally set to go on when it starts getting dark and about 15 minutes after we

close.

MR. GRABE: Which is what?

MR. VANDERVIN: Around 11:15 or so.

MR. DENNING: You close at midnight, they're on until 12.

MR. VANDERVIN: I'll check that.

MR. GRABE: That was my question.

MR. VANDERVIN: I'll correct the answer, we're open from 6:00 a.m. to midnight, that's correct, so I'll check the closing time and the lights.

MR. GRABE: So with these improvements you may see a little less invasion on your--

MR. DENNING: I hope so.

MR. OLSON: This note is very broad, if there's any issue that does come up the planning board has the authority to contact the property owner and we have to work with them in order to reduce the lighting.

MR. KLOSKY: If you have any issues, the note clearly allows you to contact the building inspector and it will be at the building inspector's discretion as to whether or not the lighting needs to be modified so you have a very direct route of relief if there's a problem.

MR. DENNING: Alright, thank you.

MR. GOLD: Just want to be on the record asking that you do everything within your power to make sure that the people who own the property that have to access it across your parking lot everything that you can do everything within your power you do to keep them from being obstructed.

MS. BUNT: Nothing.

MR. NOVESKY: One question we had some discussion as to the how the parking spaces were lined up in front of the building.

MR. O'BRIEN: Yeah, those two space were eliminated.

MR. NOVESKY: Okay, any other questions? Hearing none, thank you very much, I'll ask for a discussion and vote for approval and authorization for me to sign the resolutions when Dominic's office has them prepared.

MS. BUNT: So moved.

MR. GOLD: Second it.

ROLL CALL

MS. BUNT	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Okay, Dominic, do we have any other items?

MR. CORDISCO: No, sir.

MR. NOVESKY: Okay, hearing none, I'll take a motion for adjournment.

MR. KLOSKY: So moved.

MS. BUNT: Second it.

ROLL CALL

MS. BUNT	AYE
MR. GOLD	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

Respectfully Submitted By:

Frances Roth
Stenographer